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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

April 18, 2017

Arnie Peterson, Manager  
Rolling Green Utilities, Inc.  
139 Elmcrest Drive  
Big Pine, CA 93513  
[rollinggreenutilities@gmail.com](mailto:rollinggreenutilities@gmail.com)

### **CITATION NO. 05-13-17C-008 NITRATE MONITORING AND REPORTING VIOLATION FOR 2016, ROLLING GREEN UTILITIES, INC. (SYSTEM NO. 1400010)**

Enclosed is a Citation issued to the Rolling Green Utilities, Inc. public water system (hereinafter "System").

The System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Hector Cazares of my staff at 909-383-4312 or me at 909-383-4328.

Sincerely,

A handwritten signature in blue ink that reads "Eric Zúñiga".

Eric J. Zúñiga, P.E.  
District Engineer  
San Bernardino District  
Southern California Field Operations Branch

Enclosure: Citation No. 05-13-17C-008

Certified Mail No. 7006 2150 0004 3940 8201

cc: Kathe Barton, Inyo County DEHS, via email at [kbarton@inyocounty.us](mailto:kbarton@inyocounty.us)

California Public Utilities Commission  
Attn: Water Division  
505 Van Ness Avenue  
San Francisco, CA 94102

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

464 W. 4th Street, #437, San Bernardino, CA 92401 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Rolling Green Utilities, Inc.

**Water System No:** 1400010

**Attention:** Arnie Peterson, Manager

139 Elmcrest Drive

Big Pine, CA 93513

**Issued:** April 18, 2017

CITATION FOR NONCOMPLIANCE  
NITRATE MONITORING AND REPORTING VIOLATION  
CALIFORNIA CODE OF REGULATION, TITLE 22, SECTION 64432.1  
CALENDAR YEAR 2016

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Board, acting by and through its Division of Drinking Water  
2 (hereinafter "Division") and the Deputy Director for the Division, hereby  
3 issues this citation pursuant to Section 116650 of the CHSC to the Rolling  
4 Green Utilities, Inc. public water system (hereinafter "System") for violation  
5 of Section 64432.1.

6  
7 A copy of the applicable statutes and regulations are included in Appendix 1,  
8 which is attached hereto and incorporated by reference.

### 9 10 **STATEMENT OF FACTS**

11 The System is classified as a community water system with a population of  
12 800, serving 285 connections. The System's sources Wells 1, 2, and 3 were  
13 last sampled for nitrate on December 17, 2015. The System failed to have  
14 nitrate samples taken in 2016 for Wells 1, 2, and 3. The Division previously  
15 issued Citation No. 05-13-14C-005 to the System on February 20, 2014 for  
16 having missed nitrate samples from the calendar years 2011, 2012, and  
17 2013.

### 18 **DETERMINATION**

19 CCR, Title 22, Section 64432.1(a), Monitoring and Compliance- Nitrate and  
20 Nitrite states that a public water system is required to collect one nitrate  
21 sample annually from each groundwater well. The System failed to take  
22 nitrate samples at Wells 1, 2, and 3 during 2016. Therefore, the System  
23 violated the nitrate monitoring requirements of Title 22, California Code of  
24 Regulations (CCR), 64432.1(a) during 2016.

### 25 **DIRECTIVES**

26 The System is hereby directed to take the following actions:  
27

1. By **May 17, 2017**, the System shall collect nitrate samples at Wells 1, 2, and 3. Results shall be submitted via Electronic Data Transfer.
2. By **June 30, 2017**, the Company shall notify it's consumers of the failure to collect nitrate samples in conformance with Section 64432.1(a), Title 22, CCR. A Tier 3 public notice shall be included in the 2016 Consumer Confidence Report. The content of the notice shall be approved by the Department prior to issuance. (Appendix 2)
3. By **July 10, 2017**, the Company shall submit a copy of the notice and a certification that all the public notice requirements have been met pursuant to Section (64463.7 and 64465) Title 22, CCR. (Appendix 3)
4. The System must comply with annual Nitrate monitoring requirements pursuant to Section 64432.1, Title 22, CCR for all of its water supply sources and during all subsequent calendar years to follow.

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Eric J. Zúñiga, P.E.

[Dwpdist13@waterboards.ca.gov](mailto:Dwpdist13@waterboards.ca.gov)

The State Board reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

1 Nothing in this Citation relieves the System of its obligation to meet the  
2 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter  
3 4, commencing with Section 116270), or any regulation, standard, permit or  
4 order issued or adopted thereunder.

5  
6 **PARTIES BOUND**

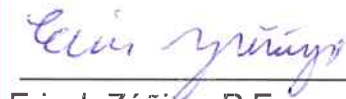
7 This Citation shall apply to and be binding upon the System, its owners,  
8 shareholders, officers, directors, agents, employees, contractors,  
9 successors, and assignees.

10  
11 **SEVERABILITY**

12 The directives of this Citation are severable, and the System shall comply  
13 with each and every provision thereof notwithstanding the effectiveness of  
14 any provision.  
15

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.



Eric J. Zúñiga, P.E.  
District Engineer  
San Bernardino District  
Southern California Field Operations Branch

4/18/17  
Date

**Appendices (3):**

1. Applicable Statutes and Regulations
2. Tier 3 Public Notice Template
3. Proof of Customer Notification Form

Certified Mail No. 7006 2150 0004 3940 8201

## APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 05-13-17C-008

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

### **California Health and Safety Code (CHSC):**

#### **Section 116271 states in relevant part:**

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

#### **Section 116555 states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.



(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

**Section 116650 states in relevant part:**

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

**California Code of Regulations, Title 22 (CCR):**

**Section 64432.1. Monitoring and Compliance--Nitrate and Nitrite states in relevant part:**

- (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.
  - (1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:
    - (A) Collect another sample, and
    - (B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.
    - (C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.
  - (2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling.
  - (3) For public water systems using approved surface water, the repeat monitoring frequency shall be quarterly following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than 50 percent of the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling. A system using approved surface water shall return to quarterly monitoring if any one sample is greater than or equal to 50 percent of the MCL.
  - (4) After any round of quarterly sampling is completed, each community and nontransient-noncommunity system which initiates annual monitoring shall take subsequent samples during the quarter which previously resulted in the highest analytical results.
- (b) All public water systems shall monitor to determine compliance with the MCL for nitrite in Table 64431-A, by taking one sample at each sampling site during the compliance period beginning January 1, 1993.
  - (1) If the level of nitrite in a single sample is greater than the MCL, the water supplier shall proceed as for nitrate in accordance with paragraph (a)(1) of this section.
  - (2) The repeat monitoring frequency for systems with an analytical result for nitrite that is greater than or equal to 50 percent of the MCL shall be quarterly monitoring for at least one year. After four consecutive quarterly samples are less than the MCL, a system may request that the State Board reduce monitoring frequency to annual sampling, collecting subsequent samples during the quarter which previously resulted in the highest analytical results.
  - (3) The repeat monitoring frequency for systems with an analytical result for nitrite that is less than 50 percent of the MCL shall be one sample during each compliance period (every three years).
- (c) All public water systems shall determine compliance with the MCL for nitrate plus nitrite in Table 64431-A. If the level exceeds the MCL, the water supplier shall proceed as for nitrate in accordance with paragraphs (a)(1) through (a)(4) of this section.



## APPENDIX 2. TIER 3 PUBLIC NOTICE TEMPLATE

## Instructions for Tier 3 Monitoring Violations Annual Notice Template

## Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

## Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report<sup>1</sup>. However, you may

<sup>1</sup> CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs <sup>(a)</sup>	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropane; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

### **Multilingual Requirement**

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for **Nitrate** exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

## After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### Monitoring Requirements Not Met for NITRATE (NO<sub>3</sub>)

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During calendar year 2016, we did not monitor or test for Nitrate (NO<sub>3</sub>) and therefore, cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
NITRATE (NO <sub>3</sub> )	1 sample every YEAR	0	December 2016	April 30, 2017

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments,*

*nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Rolling Green Utilities, Inc.

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.

**APPENDIX 3. PROOF OF CUSTOMER NOTIFICATION FORM**

Name of Water System: \_\_\_\_\_

System Number: \_\_\_\_\_

**Certification**

I certify that the users of the water supplied by this water system were notified of \_\_\_\_\_  
 \_\_\_\_\_ violation of California Code of Regulations, Title 22, Section \_\_\_\_\_ for the  
 compliance period of \_\_\_\_\_ and the required actions listed below were completed.

Required Action	Date Completed
<i>Public Notification Method(s) Used:</i> _____	

\_\_\_\_\_  
Signature of Water System Representative\_\_\_\_\_  
Date

**Attach a copy of the public notice distributed to the water system's customers.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE BOARD, DIVISION OF  
 DRINKING WATER, NO LATER THAN JULY 10, 2017**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.